

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KENNETH D. SMITH, JR. and DIANE )  
SMITH, )  
Plaintiffs, )  
vs. ) No. 1:13-CV-7411  
A.W. CHESTERTON COMPANY, *et al.*, )  
Defendants. )

**AGREED AND STIPULATED MOTION TO DISMISS AS TO**  
**DEFENDANT TRANE U.S. INC.**

NOW COME the Plaintiffs, KENNETH D. SMITH and DIANE SMITH, and the Defendant, TRANE U.S. INC., by and through their respective counsel, and respectfully move this Honorable Court, pursuant to the attached Stipulation ("Exhibit A"), for the entry of an Order, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), of dismissal without prejudice as to the Defendant, TRANE U.S. INC., only, with the cause and suit to continue as to all other viable Defendants.

WHEREFORE the Plaintiffs, KENNETH D. SMITH and DIANE SMITH, and the Defendant, TRANE U.S. INC., respectfully pray this Honorable Court, pursuant to the Stipulation entered into between the parties, for the entry of an Order dismissing without prejudice the Defendant, TRANE U.S. INC., only.

DATED: April 8, 2014

Respectfully submitted,

HEPLERBROOM LLC

By: /s/ Michael T. Antikainen  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2014, I electronically filed Defendant TRANE U.S. INC.'s Agreed and Stipulated Motion to Dismiss as to Defendant Trane U.S. Inc. with the Clerk of the Court using the ECF system.

HEPLERBROOM LLC

By: /s/ Michael T. Antikainen \_\_\_\_\_  
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